UNITED
NATIONS

A

General Assembly

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A/C.6/45/L.1
21 September 1990

ORIGINAL: ENGLISH

Forty-fifth session
SIXTH COMMITTEE

ORGANIZATION OF WORK

Note by the Secretariat

1. In order to assist the Sixth Committee in the organization of its work, the Secretariat finds it appropriate, in the light of General Assembly resolutions 1898 (XVIII) of 11 November 1963 and 32/71 of 9 December 1977 and of rule 99 (b) of the rules of procedure of the General Assembly, to draw the Sixth Committee's attention to the following.

I. ITEMS ALLOCATED TO THE SIXTH COMMITTEE

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly decided to allocate to the Sixth Committee 13 items. The titles of these items and their numbers are reproduced in the letter dated 21 September 1990 from the President of the General Assembly addressed to the Chairman of the Sixth Committee (A/C.6/45/1).

II. DOCUMENTATION RELATING TO THE ITEMS ALLOCATED TO THE SIXTH COMMITTEE

3. The following table lists the documents of the forty-fifth session of the General Assembly relating to the items allocated to the Sixth Committee.* It includes references to the reports of commissions or committees and the reports which are to be submitted by the Secretary-General pursuant to resolutions or decisions of preceding sessions of the General Assembly, as well as to the documents circulated under the agenda items allocated to the Sixth Committee, in accordance with requests of Member States. The items are arranged in the order in which they appear in the letter dated 21 September 1990 from the President of the General Assembly to the Chairman of the Sixth Committee (A/C.6/45/1).

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* The figure in brackets after the title of each item indicates its number on the agenda of the forty-fifth session. The listing of documents has been done on the basis of communications and reports available as at 17 September 1990.

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	Projected date of issuance
Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States (135)	
Report of the Secretary-General (A/45/438)	Issued
Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (136)	
Report of the Secretary-General (A/45/454)	21 September 1990
Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (137)	
Report of the Secretary-General (A/45/455)	21 September 1990
Letter dated 27 June 1990 from the Permanent Representative of Chad to the United Nations addressed to the Secretary-General (A/45/325)	Issued
United Nations Decade of International Law (138)	
Report of the Secretary-General (A/45/430)	25-29 September 1990
Peaceful settlement of disputes between States (139)	
Report of the Secretary-General (A/45/436)	25 September 1990
Letter dated 12 December 1989 from the Permanent Representative of Lao People's Democratic Republic to the United Nations addressed to the Secretary-General (A/45/56-S/21021)	Issued
Letter dated 18 December 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Panama to the United Nations addressed to the Secretary-General (A/45/62)	Issued
Letters dated 29 December 1989, 8 March and 12 June 1990 from the Permanent Representative or Chargé d'affaires a.i. of the Permanent Mission of Oman to the United Nations addressed to the Secretary-General (A/45/73-S/21065, A/45/160-S/21182, A/45/310-S/21355)	Issued

	Projected date of issuance
Letters dated 15 January, 28 March and 13 July 1990 from the Permanent Representative or Chargé d'affaires a.i. of the Permanent Mission of Pakistan addressed to the Secretary-General (A/45/79-S/21080; A/45/184-S/21216; A/45/346-S/21395)	Issued
Letters dated 19 January and 7 February 1990 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (A/45/88; A/45/111-S/21132)	Issued
Letter dated 14 February 1990 from the Permanent Representatives of the Lao People's Democratic Republic and Viet Nam to the United Nations addressed to the Secretary-General (A/45/124-S/21146)	Issued
Letters dated 23 February 1990 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General (A/45/139-S/21163; A/45/140-S/21164)	Issued
Letter dated 7 March 1990 from the Permanent Representatives of Thailand and the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/45/164-S/21187)	Issued
Letters dated 12 March, 4 April, 21 June and 2 August 1990 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/45/165-S/21189 and Corr.1; A/45/201-S/21228; A/45/318-S/21370; A/45/378)	Issued
Letters dated 23 March and 13 August 1990 from the Permanent Representative or Chargé d'affaires a.i. of the Permanent Mission of Hungary to the United Nations addressed to the Secretary-General (A/45/178; A/45/412-S/21515)	Issued
Letters dated 2, 6, 12 and 22 August and 7 September 1990 from the Permanent Representative or Chargé d'affaires a.i.of the Permanent Mission of Italy to the United Nations addressed to the Secretary-General (A/45/368-S/21426; A/45/383-S/21444; A/45/409-S/21502; A/45/433-S/21590; A/45/484-S/21721)	Issued

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	Projected date of issuance
Letter dated 22 August 1990 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (A/45/439-S/21603)	Issued
Letters dated 29 August and 7 September 1990 from the Permanent Representative or Chargé d'affaires a.i. of the Permanent Mission of Japan to the United Nations addressed to the Secretary-General (A/45/467-S/21673; A/45/485-S/21722)	Issued
Draft Code of Crimes against the Peace and Security of Mankind (140)	
Report of the Secretary-General (A/45/437)	3 October 1990
Report of the United Nations Commission on International Trade Law on the work of its twenty-third session (141)	
Report of the Commission, Official Records of the General Assembly, Forty-fifth Session, Supplement No. 17 (A/45/17)	Issued
Report of the International Law Commission on the work of its forty-second session (142)	
Report of the Commission, Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10)	21 September 1990
Note by the Secretary-General (A/45/469)	1 October 1990
Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto (143)	
Report of the International Law Commission on the work of the its forty-first session, Official Records of the General Assembly, Forty-fourth session, Supplement No. 10 (A/44/10)	Issued
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (144)	
Report of the Special Committee, Official Records of the General Assembly, Forty-fifth Session, Supplement No. 33 (A/45/33)	Issued

	Projected date of issuance
Report of the Committee on Relations with the Host Country (145)	
Report of the Committee, Official Records of the General Assembly, Forty-fifth Session, Supplement No. 26 (A/45/26)	November 1990
Additional Protocol on Consular Functions to the Vienna Convention on Consular Relations (146)	
Letter dated 2 April 1990 from the Chargé d'affaires a.i. of the Permanent Missions of Austria and Czechoslovakia to the United Nations addressed to the Secretary-General (A/45/141)	Issued
Conciliation rules of the United Nations (147)	
Letter dated 6 July 1990 from the Permanent Representative of Guatemala to the United Nations addressed to the Secretary-General (A/45/143 and Corr.1)	Issued

III. DATE FOR CONCLUDING THE WORK OF THE COMMITTEE, ORDER AND APPROXIMATE DATES OF CONSIDERATION OF ITEMS

4. Rule 99 (b) of the rules of procedure of the General Assembly provides that:

> "Each Main Committee, taking into account the closing date for the session fixed by the General Assembly on the recommendation of the General Committee, shall adopt its own priorities and meet as may be necessary to complete the consideration of the items referred to it. It shall at the beginning of the session adopt a programme of work indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item."

5. It is to be mentioned that the General Committee, at its 1st meeting, on 19 September 1990, decided to recommend that the forty-fifth session should recess on 18 December 1990 and conclude on 16 September 1991. Under the circumstances, it appears advisable that the Sixth Committee should arrange its schedule of meetings in such a way that it will conclude its work not later than Tuesday, 20 November 1990.

6. Taking into account the pattern followed by the Committee in the order of consideration of items at recent sessions of the General Assembly and without prejudice, of course, to appropriate adjustments which might be required if the Assembly decides on the curtailment of the duration of the forty-fifth session, the Sixth Committee may wish to consider, for the purpose of adopting its programme of work, the following timetable, drawn on the basis of previous programmes of work adopted by the Committee, which indicates approximate dates of consideration of agenda items referred to it.

Item	Approximate dates of consideration
Election of the Vice-Chairman and Rapporteur and organization of work	21-24 September 1990
Report of the United Nations Commission on International Trade Law on the work of its twenty-third session (141)	24-25 September 1990
Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (137)	26 September* and 2 October 1990
Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (136)	2-3 October 1990
Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States (135)	3-4 October 1990
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (144) Peaceful settlement of disputes between States (139)	5-16 October 1990
Conciliation Rules of the United Nations (147)	17-19 October 1990
Additional Protocol on Consular Functions to the Vienna Convention on Consular Relations (146)	22-24 October 1990
Reserved**	25-26 October 1990

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* No meetings are scheduled for 27 and 28 September and 1 October 1990 because of the World Summit for Children.

** Reserved for the Working Group on the United Nations Decade of International Law and informal consultations on the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto.

Item	Approximate dates of consideration
Report of the International Law Commission on the work of its forty-second session (142) a/ b/)	29 October-9 November 1990
Draft Code of Crimes against the Peace and Security of Mankind (140) b/	
United Nations Decade of International Law (138 c/)	12-14 November 1990
Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto (143) d/	14-16 November 1990
Report of the Committee on Relations with the Host Country (145)	19-20 November 1990
Reserve	19-20 November 1990

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a/ At its last session, the General Assembly recommended that the debate on the report of the International Law Commission at the forty-fifth session of the General Assembly commence on 29 October 1990. The Assembly also recommended the continuation of efforts to improve the ways in which the report of the Commission was considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work, and decided that the Sixth Committee, in structuring its debate on the report of the Commission at the forty-fifth session of the General Assembly, should continue to bear in mind the possibility of reserving time for informal exchanges of views on matters relating to the work of the Commission (resolution 44/35 of 4 December 1989).

b/ In its resolution 44/39, the General Assembly requested the International Law Commission, when considering the Draft Code item at its forty-second session, to address the question of establishing an international criminal court or other international criminal trial mechanism with jurisdiction over persons alleged to have committed crimes which might be covered under such a code of crimes, including persons engaged in illicit trafficking in narcotic drugs across national frontiers, and to devote particular attention to that question in its report on that session. It also decided to consider the question of establishing an international criminal court or other international criminal trial mechanism at the session when examining the report of the Commission.

c/ Under General Assembly resolution 44/23, the consideration of this item in the Sixth Committee is to include a debate in the framework of a working group (see para. 7 (a) below).

d/ Under General Assembly resolution 44/36, the consideration of the item in the Sixth Committee is to include informal consultations (see para. 7 (b) below).

IV. ESTABLISHMENT OF SUB-COMMITTEES OR WORKING GROUPS AND HOLDING OF CONSULTATIONS

7. In connection with the establishment of sub-committees or working groups and the holding of consultations for the purpose of facilitating the work, it should be borne in mind that the General Assembly took the following decisions at its last session:

(a) As regards agenda item 138, the General Assembly decided to consider the question (of the programme for the United Nations Decade of International Law and of appropriate action to be taken during the Decade) at its forty-fifth session in a working group of the Sixth Committee with a view to preparing generally acceptable recommendations for the Decade (resolution 44/23 of 17 November 1989);

(b) With respect to agenda item 143, the General Assembly decided to hold informal consultations at its forty-fifth session to study the draft articles (on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier) and the draft optional protocols thereto, as well as the question of how to deal further with these draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect (resolution 44/36 of 4 December 1989).

8. Since the conference services to be provided for meetings of working groups and sub-committees and for the holding of consultations are those allocated to the Sixth Committee, it is important that such meetings and consultations be held in place of, rather than in addition to, meetings of the Committee.

V. DEADLINE FOR SUBMISSION OF DRAFT RESOLUTIONS WITH FINANCIAL IMPLICATIONS

9. According to rule 153 of the rules of procedure of the General Assembly, "no resolution involving expenditure shall be recommended by a committee for approval by the General Assembly unless it is accompanied by an estimate of expenditures prepared by the Secretary-General". It is therefore imperative that the Main Committees allow sufficient time for the preparation of the estimates of expenditures by the Secretariat and for their consideration by the Advisory Committee on Administrative and Budgetary Questions and by the Fifth Committee. Under the circumstances, if Tuesday, 20 November 1990, is accepted as the concluding date for the work of the Sixth Committee (see para. 5 above), Monday, 12 November 1990, would have to be considered as the mandatory deadline for submission to the Fifth Committee of draft resolutions with financial implications.

VI. CONFERENCE RESOURCES AVAILABLE

10. The available conference facilities will, in principle, enable the Committee to hold an average of seven plenary meetings per week; normally, morning meetings will be held from 10 a.m. to 1 p.m. and afternoon meetings from 3 p.m. to 6 p.m.

11. In order to avoid difficulties in the organization of services for the meetings of regional groups of the Committee, it is suggested that all requests for such meetings be channelled to the Planning and Meetings Services Section through the Secretary of the Committee.

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Forty-fifth session
SIXTH COMMITTEE
Agenda item 147

CONCILIATION RULES OF THE UNITED NATIONS

Guatemala: draft resolution

United Nations rules for the conciliation of disputes between States

The General Assembly,

Recognizing the value of conciliation as a method of amicably settling disputes arising in the context of relations between States,

Convinced that the establishment of international rules of conciliation incorporating the results of the most recent scientific studies and experience in the field of international conciliation, together with certain innovations which should be made in the traditional practice in this field, could contribute to the development of harmonious relations between States,

1. Recommends the application of the United Nations rules for the conciliation of disputes between States, the text of which is contained in annex I to the present resolution, in any case where a dispute arises between States which it has not been possible to settle by direct negotiations and which the parties wish to settle by purely amicable means;

2. Requests the Secretary-General to take appropriate measures to circulate to all Governments the text of the present resolution, together with those rules and the explanatory commentary on their application contained in annex II to the present resolution.

Annex I

UNITED NATIONS RULES FOR THE CONCILIATION OF DISPUTES BETWEEN STATES

CHAPTER I

APPLICATION OF THE RULES

Article 1

1. These rules apply to the conciliation of disputes between States which it has not been possible to settle by means of negotiation or amicable methods of settlement other than conciliation, whether the disputes are of a legal nature or not. These rules do not apply, however, to disputes of a purely legal nature in which no questions of responsibility or reparation arise and in which there is no disagreement as regards the facts.

2. The States applying these rules may at any time agree to exclude or amend any of their provisions. The State initiating the conciliation may propose an amended version of the rules. The State to which these rules are proposed may do the same.

CHAPTER II

INITIATION OF THE CONCILIATION PROCEEDINGS

Article 2

1. The State which initiates conciliation proceedings in accordance with these rules shall send the other State a written invitation to conduct a process of conciliation in accordance with these rules, and identifying and describing the subject of the dispute. In the invitation, the State initiating the conciliation proceedings shall indicate the amendments it proposes to the rules, if any, and its choice as regards the number of conciliators. The invitation shall also indicate the language or languages which are to be used in the conciliation proceedings and also the linguistic or other services which the conciliator or conciliators may need.

2. For the preparation of the invitation, the State initiating the proceedings may request the assistance and advice of the Secretary-General of the United Nations.

3. The conciliation proceedings shall begin as soon as possible after the State to which the invitation has been sent has accepted it or, if it is not accepted, the States have agreed to apply an amended version of these rules.

4. If the States cannot reach agreement on the definition of the dispute, they may jointly request the assistance of the Secretary-General of the United Nations to resolve the difficulty.

CHAPTER III

CASES IN WHICH MORE THAN ONE STATE HAS THE SAME INTEREST WITH REGARD TO THE DISPUTE

Article 3

When more than two States are involved in the same dispute, the States which have the same viewpoints and the same interest shall be considered and shall act jointly as a single party.

CHAPTER IV

NUMBER OF CONCILIATORS

Article 4

There may be a sole conciliator, three conciliators or five conciliators. In the two latter cases the conciliators shall form a commission.

CHAPTER V

APPOINTMENT OF CONCILIATORS

Article 5

For the appointment of conciliators the parties shall take into account the system of investigation and conciliation envisaged in General Assembly resolution 268 D (III) of 28 April 1949 and any other similar system established by a regional body in which both parties participate. If the dispute involves issues of fact only, they shall take into account the system envisaged in General Assembly resolution 2329 (XXII).

Article 6

If the parties have agreed that a sole conciliator shall be appointed, that conciliator shall be appointed by agreement between them. If such an agreement is not reached within two months, the conciliator shall be appointed by the government of a third State, chosen by agreement between the parties or, if no such agreement is reached within two months, by the President of the International Court of Justice. If the President is a national of one of the parties, the appointment shall be made by the Vice-President or the next judge of the Court in order of

seniority who is not a national of the parties. The conciliator shall not have the nationality of any of the parties, shall not reside or have resided habitually in their territory and shall not be or have been in the service of any of them.

Article 7

If the parties have agreed that three conciliators shall be appointed, each one of them shall appoint a conciliator who may be of its own nationality. The parties shall appoint by mutual agreement the third conciliator, who may not be of the nationality of any of the parties or of the other conciliators. The third conciliator shall act as chairman of the commission. If he is not appointed within two months of the appointment of the conciliators appointed individually by the parties, the third conciliator shall be appointed by the government of a third State chosen by agreement between the parties or, if such agreement is not obtained within two months, by the President of the International Court of Justice. If the President is a national of one of the Parties, the appointment shall be made by the Vice-President or the next judge of the Court in order of seniority who is not a national of the parties. The third conciliator shall not reside or have resided habitually in the territory of the parties nor be or have been in their service.

Article 8

1. If the parties have agreed that five conciliators should be appointed, each one of them shall appoint a conciliator who may be chosen from among its nationals. The other three conciliators, one of whom shall be chosen with a view to his acting as chairman, shall be appointed by agreement between the parties from among nationals of third States and shall be of different nationalities. None of them shall reside or have resided habitually in the territory of the parties or be or have been in their service. None of them shall have the same nationality as that of the other two conciliators.

2. If the appointment of the conciliators whom the parties are to appoint jointly has not been effected within three months, they shall be appointed by the government of a third State chosen by agreement between the parties or, if such an agreement is not reached within three months, by the President of the International Court of Justice. If the President is a national of one of the parties, the appointment shall be made by the Vice-President or the next judge in order of seniority who is not a national of the parties. The Government or member of the International Court of Justice making the appointment shall also decide which of the three conciliators shall act as chairman.

3. If at the end of the three-month period referred to in the preceding paragraph, the parties have been able to appoint only one or two conciliators, the two conciliators or the conciliator still required shall be appointed in the manner described in the preceding paragraph. If the parties have not agreed that the conciliator or one of the two conciliators whom they have appointed shall act as chairman, the Government or member of the International Court of Justice appointing the two conciliators or the conciliator still required shall also decide which of the three conciliators shall act as chairman.

4. If, at the end of the three-month period referred to in paragraph 2 of this article the parties have appointed three conciliators but have not been able to agree which of them shall act as chairman, the chairman shall be chosen in the manner described in that paragraph.

Article 9

In the event that a sole conciliator dies, resigns or for any other reason is prevented from continuing to discharge his duties, a successor shall be appointed as soon as possible in the same way as the original conciliator was appointed. The vacancies which may occur in a conciliation commission as a result of death, resignation or any other cause shall be filled as soon as possible by the method established for appointing the members to be replaced.

CHAPTER VI

RULES APPLICABLE TO CONCILIATION BY A SOLE CONCILIATOR

Article 10

The conciliator, acting in an independent and impartial manner, shall seek to ensure that the parties reach an amicable settlement of the dispute. To that end, he shall be guided by principles of objectivity, fairness and justice, giving consideration to, among other factors, the rights and obligations of the parties and the facts and circumstances of the case. If no settlement is reached during consideration of the dispute, he shall draw up and communicate to the parties, in writing, such terms of settlement as he deems appropriate.

Article 11

1. After his appointment, the conciliator shall request each of the parties to submit to him a statement, in writing, describing the elements of the dispute and the points at issue, accompanied by any information or evidence which the party considers necessary or useful. Each party shall send the other a copy of this statement and the annexes thereto.

2. The conciliator may request any of the parties to submit to him an additional statement, in writing, concerning its original statement and concerning the facts and grounds in support thereof, accompanied by any information or evidence which the party considers necessary or useful. The submitting party shall send a copy of the additional statement and the annexes thereto to the other party.

3. At any stage of the conciliation proceedings, the conciliator may request any of the parties to submit any other documents or information which he considers necessary or useful; such documents or information shall be communicated to the other party.

Article 12

1. The conciliator shall conduct the proceedings in such a manner as he considers appropriate, taking into account the circumstances of the case, the wishes the parties may express, and the need for a speedy settlement of the dispute.

2. The conciliator may hear the parties jointly or separately and in any place.

3. At any stage of the proceedings, the conciliator may make proposals for a settlement of the dispute.

4. In putting forward proposals and terms of settlement, the conciliator shall refrain from presenting any final conclusions with regard to the facts at issue or from ruling formally on issues of law, unless the parties have jointly requested him to do so.

5. No minutes shall be drawn up of the meetings between the parties, or one of them, and the conciliator, nor of the evidence submitted.

6. A certified copy of any document submitted by a party as evidence shall be provided to the other party.

7. If a party submits an original document as evidence, it shall be entitled to have that document returned to it; a certified copy of the document shall remain in the possession of the conciliator.

Article 13

1. The work of the conciliator, including his meetings with one or both the parties, which shall be private, shall be secret. The conciliator and the parties shall refrain from divulging any documents or oral statements, or any communication concerning the progress of the proceedings, without the prior approval of both parties.

2. If any indiscretion occurs during the proceedings, the conciliator may determine its possible effect on the continuation of such proceedings.

3. Except in the case of evidence submitted during the conciliation proceedings which the parties may submit in any judicial or arbitral proceedings held after the conclusion of the conciliation proceedings, the obligation to respect the secrecy of the conciliation proceedings shall remain in effect for the parties and for the conciliator after the proceedings are concluded and shall extend to the terms of settlement and any proposal made by the conciliator, whether accepted by the parties or not. After the conclusion of the proceedings the parties may, by agreement, make all or some of the documents available to the public or authorize the publication of all or some of them.

4. Upon conclusion of the proceedings, the conciliator shall destroy every original or copy in his possession of any written material submitted in accordance with article 38.

5. Upon conclusion of the proceedings, the conciliator shall deposit a set of the documents with each of the parties.

Article 14

1. If the terms of settlement are not accepted by both parties and the latter do not wish further efforts to be made to reach agreement on different terms, the proceedings shall be terminated.

2. If the terms of settlement are not accepted by both parties but the latter wish efforts to reach agreement on different terms to continue, new proceedings shall be initiated, to which all the provisions of the present chapter shall apply, except that, if the conciliator has no objection, the parties may, with respect to the new proceedings, reduce by mutual agreement the time-limit mentioned in article 15.

Article 15

Without prejudice to the right of the parties, acting by mutual agreement, and of the conciliator, to extend this time-limit and the possible application of article 13, paragraph 2, or of article 45, the conciliator shall conclude his work within two months from the date on which the procedures mentioned in article 11, paragraph 1, were completed.

Article 16

The conciliator may, at any time, request the Secretary-General of the United Nations for advice and assistance with regard to the administrative and procedural aspects of his work.

CHAPTER VII

RULES APPLICABLE TO CONCILIATION BY COMMISSION

Fundamental principles

Article 17

The commission shall attempt to clarify the issues in dispute and to help the parties reach an agreement. It shall seek to obtain all information necessary or useful for the attainment of those objectives. If no settlement is reached during consideration of the dispute, the commission shall draw up and communicate to the parties, through a report of its chairman, such terms of settlement as it deems appropriate.

Article 18

The commission shall be guided by principles of objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties and the facts and circumstances of the case.

Procedures of the commission

Article 19

While adhering to the procedural provisions contained in chapters VII and XVIII of these rules, the commission shall adopt its own procedures.

Article 20

1. Before the commission begins its work, the parties shall designate their representatives and shall communicate the names of such representatives to the chairman of the commission. The chairman shall determine, in agreement with the parties, the place and date of the commission's first meeting, to which the members of the commission and the representatives shall be convoked.

2. Before the first meeting of the commission, its members may meet informally to deal with administrative and procedural matters.

Article 21

The representatives of the parties may be assisted by counsel and experts appointed by the parties.

Article 22

1. At its first meeting, the commission shall appoint a secretary, who may be a United Nations official. It shall then hear initial statements from the parties. If it decides that the information provided by the parties so permits, the commission shall agree on the method to be used to consider the dispute and, in particular, whether the parties should be invited to submit written statements and in what order and within what time-limits such statements must be submitted, as well as the dates when, if this is required, representatives and counsel will be heard. The decisions taken by the commission in this regard may be amended at any later stage of the proceedings.

2. The secretary of the commission shall not have the nationality of any of the parties, shall not reside or have resided habitually in their territory and shall not be or have been in the service of any of them.

3. Except as aprovided in article 28, paragraph 1, the commission shall not hear statements by the representative or counsel of a party without having given the other party the opportunity to be represented at the hearing in question.

Article 23

1. The parties shall facilitate the commission's work and, in particular, shall do everything possible to provide it with whatever documents and information may be relevant.

2. The commission shall accept any request by the parties that persons whose testimony they consider necessary or useful be heard, that experts be consulted or that local investigations be conducted. It may, however, in any case in which it considers it neither necessary nor useful to accept such a request, ask the party making the request to reconsider it.

3. The parties shall use the means available to them to enable the commission to enter their territory and, in accordance with their laws, to convoke and hear witnesses or experts and visit any part of their territory to conduct local investigations. Articles 19 to 29 of the Hague Convention 1/ for the Pacific Settlement of International Disputes of 18 October 1907 shall apply in such cases.

Article 24

If the commission establishes that the parties disagree on issues of fact, or considers it necessary or useful to clarify facts which the parties do not seem to have taken into account, it may, motu proprio, consult experts, conduct local investigations or question witnesses. In such cases, article 23, paragraph 3, shall apply. Before using the powers conferred by the present article with regard to facts which the parties do not seem to have taken into account, the commission shall consult the parties.

Article 25

The commission may propose to the parties that they jointly appoint expert advisers to assist them in the consideration of technical aspects of the dispute. If the proposal is accepted, its implementation shall be conditional upon the expert advisers being appointed by the parties by mutual agreement and accepted by the commission and upon the parties fixing the emoluments of the expert advisers.

1/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899-1907, New York, Oxford University Press, 1915, pp. 41-81.

Article 26

If the commission is unable to reach unanimous agreement, it may take its decisions by a majority of votes of its members without being required to indicate the number of votes. Except in matters of procedure, the presence of all members shall be required in order for a decision to be valid.

Article 27

1. The commission shall meet at United Nations Headquarters.

2. The commission may, at any time, request the Secretary-General of the United Nations for advice or assistance with regard to the administrative and procedural aspects of its work.

Conclusion of the commission's work

Article 28

1. On concluding its consideration of the dispute, the commission shall define the terms of settlement which are likely to be acceptable to the parties, unless the dispute involves issues of fact only. In this connection, the commission may hold an exchange of views with the representatives of the parties, who may be heard jointly or separately.

2. Once the proposed terms of settlement have been drawn up, they shall be communicated by the chairman of the commission in a report to the representatives of the parties, with a request that the representatives inform the commission, within a given period, whether the parties accept them. The chairman may include in his report the reasons which, in the commission's view, might prompt the parties to accept the proposed terms of settlement. The chairman shall refrain in his report from presenting any final conclusions with regard to facts or from ruling formally on issues of law, unless the parties have jointly asked the commission to do so.

3. If the dispute involves issues of fact only, the chairman shall hand over to the representatives of the parties, once it is complete, a report setting forth the commission's findings in that regard. The proceedings shall be concluded when his report is handed over.

Article 29

If the parties accept the terms of settlement proposed by the commission, a document shall be drawn up setting forth those terms. The document shall be signed by the chairman and the secretary. A copy signed by the secretary shall be provided to each party, and this shall conclude the proceedings.

Article 30

1. If the terms of settlement are not accepted by both parties and the latter do not wish further efforts to be made to reach agreement on different terms, a document shall be drawn up as stipulated in article 29, but omitting the proposed terms and indicating that the parties were unable to accept them and do not wish further efforts to be made to reach agreement on different terms. The proceedings shall be concluded when each party has received a copy of the document signed by the secretary.

2. If the terms of settlement are not accepted by both parties but the latter wish efforts to reach agreement on different terms to continue, new proceedings shall be initiated, to which all the provisions of chapters VII and VIII of these rules used in the first proceedings shall apply, except that it shall not be necessary to appoint a new secretary and, if the commission has no objection, the parties may, with respect to the new proceedings, reduce by mutual agreement the time-limit mentioned in article 31.

Article 31

Without prejudice to the right of the parties, acting by mutual agreement, and of the commission, to extend the relevant time-limit and the possible application of article 32, paragraph 2, or article 45, the commission shall conclude its work within three months from the date on which, in accordance with article 22, paragraph 1, the initial statements of the parties were made, if it consists of three members, and within five months of that date if it consists of five members.

Secrecy of the commission's work and of the documents involved

Article 32

1. The commission's meetings shall be closed. Members of the commission and its expert advisers, together with representatives, counsel and experts, and the secretary and secretariat staff, shall refrain from divulging any documents or statements, or any communication concerning the progress of the proceedings, without the prior approval of both representatives.

2. If any indiscretion occurs during the proceedings, the commission may determine its possible effect on the continuation of such proceedings.

Article 33

Except as provided in articles 29 and 30, no decision, statement or communication concerning the substance of the dispute shall be reflected in the minutes of the commission's meetings at which one or both parties were represented.

Article 34

1. Certified copies of the minutes of the commission's meetings and of the annexes thereto shall be provided to the representatives through the secretary of the commission, except in the case of the minutes of meetings of the commission to which neither of the parties were invited; the parties shall not receive copies of the minutes of those meetings.

2. Originals of the minutes of the commission's meetings to which neither of the parties were invited and copies of those minutes in the possession of the secretariat at the conclusion of the proceedings shall be destroyed at that time by the secretary.

3. Upon conclusion of the proceedings the secretary shall destroy all originals or copies of any written materials submitted in accordance with article 38 that are in his possession.

4. A certified copy of any document submitted by a party as evidence shall be provided to the other party.

5. If a party submits an original document as evidence, it shall be entitled to have that document returned to it; a certified copy of the document shall remain in the possession of the secretariat.

6. The parties shall receive certified copies of the records of evidence drawn from experts' reports, investigations and the questioning of witnesses.

Article 35

Except with regard to evidence drawn from experts' reports, investigations and the questioning of witnesses and documentary evidence which the parties may submit in any judicial or arbitral proceedings held after the conclusion of the conciliation proceedings, the obligation to respect the secrecy of the proceedings and of the deliberations shall remain in effect for the parties and for members of the commission, expert advisers and secretariat staff after the proceedings are concluded and shall extend to the terms of settlement, whether accepted or not, and to any proposals made, whether accepted or not. Except for the documents referred to in article 32, paragraph 1, no document shall be communicated to the public before the conclusion of the proceedings. Upon conclusion of the proceedings, the parties may, by mutual agreement, make available to the public all or some of the documents or authorize the publication of all or some of them.

Article 36

Upon conclusion of the proceedings, the chairman of the commission shall deliver the documents in the possession of the secretariat of the commission to the Secretary-General of the United Nations, who shall preserve their secrecy within the limits indicated above.

CHAPTER VIII

RULES APPLICABLE TO ALL CONCILIATION PROCEEDINGS CONDUCTED IN ACCORDANCE WITH THESE RULES

Article 37

No admission or proposal made or view expressed during the conciliation proceedings by one of the parties, the commission, a member of the commission or the sole conciliator, as the case may be, shall be considered to prejudge or in any way affect the rights or claims of any of the parties should the proceedings fail. Likewise, a party's acceptance of a proposal or terms of settlement in no way implies acceptance by that party of the arguments of law or of fact on which the proposal or terms of settlement may be based.

Article 38

1. Any of the parties to conciliation proceedings governed by these rules may provide the sole concilator or the commission, as the case may be, with comments on situations or facts relating to the dispute and on arguments submitted by the other party, on the understanding that the origin of the comments shall not be revealed to the latter.

2. Materials in writing submitted in accordance with this article shall not have any evidentiary effect if it affirms or refutes facts.

Article 39

The parties undertake that no conciliator or expert adviser who takes part in proceedings conducted in conformity with these rules shall act as a judge ad hoc, arbitrator, representative, counsel or expert of a party in any arbitral or judicial proceedings in respect of the dispute that was the subject of the conciliation proceedings. The parties also undertake not to present a conciliator or expert adviser as a witness or expert in any such proceedings.

Article 40

Each party may at any time, at its own initiative or at the initiative of the sole conciliator or the commission, as the case may be, make proposals for the settlement of the dispute. Any proposal made in accordance with this article shall be communicated immediately to the sole conciliator or to the commission, as the case may be.

Article 41

At any stage of the conciliation proceedings, the sole conciliator or the commission, as the case may be, may recommend any provisional measure which should be taken to preserve the corresponding rights of a party.

Article 42

At any stage of the proceedings, the sole conciliator or the commission, as the case may be, may draw the attention of the parties to any measures which might facilitate an amicable settlement.

Article 43

Neither of the parties shall initiate, during the conciliation proceedings, any arbitral or judicial proceedings in respect of the dispute which is the subject of the conciliation proceedings. Each party may, however, initiate arbitral or judicial proceedings where such proceedings are necessary for preserving its rights.

Article 44

The parties shall refrain from any measures which might have an adverse effect on the terms of settlement proposed by the sole conciliator or the commission, as the case may be, until those terms have been explicitly rejected by both or one of the parties. The parties shall also, in general, refrain from any measure which might aggravate or exacerbate the dispute.

Article 45

If the sole conciliator or the commission, as the case may be, finds one or both of the parties to be systematically and persistently refraining from extending the co-operation necessary for the satisfactory progress of the conciliation proceedings, impeding those proceedings or violating provisions of these rules, the conciliator or the commission may terminate the proceedings without proposing terms of settlement or, in the case of a dispute involving issues of fact only, without formulating findings in that regard. If the sole conciliator or the commission, as the case may be, makes use of this power, the conciliator or the commission shall communicate to the parties in writing, in a thorough and precise manner, the reasons why this step has been taken.

Article 46

The sole conciliator or, if the conciliation proceedings are conducted by commission, each member of the commission shall receive emoluments in an amount and on terms agreed by the parties who may, if they so wish, request the opinion of the

Secretary-General of the United Nations on this matter. The emoluments and the terms of their payment must be fixed before the conciliators are appointed and be communicated to them before they take up office. The same rules apply to the emoluments of the secretary of the commission and any staff he recruits.

Article 47

The costs of the conciliation proceedings, including those occasioned by any investigations agreed upon by a commission motu proprio and the emoluments of expert advisers appointed in accordance with article 25, shall be borne by the parties in equal shares.

Article 48

The terms of settlement proposed by a sole conciliator or by a commission, as the case may be, shall in no way be binding on the parties with regard to their substance. They shall be simply recommendations submitted to the parties for consideration in order to facilitate an amicable settlement of the dispute. The parties nevertheless undertake to study them carefully and objectively. If one of the parties rejects terms of settlement which the other party accepts, it shall inform the latter, in writing, of the reasons why it could not accept them.

Annex II

EXPLANATORY COMMENTARY ON THE APPLICATION OF THE UNITED NATIONS RULES FOR THE CONCILIATION OF DISPUTES BETWEEN STATES

1. The rules in annex I are a model set of norms which States between whom a dispute has arisen can adopt either through a bilateral agreement simply referring to the rules, if they wish to apply them without amendment, or otherwise through a bilateral agreement adopting an amended version of the rules. The rules are sufficiently broad to serve as a basis for conciliation proceedings without it being necessary to incorporate additional norms in them.

2. It is possible that States wishing to set up an ad hoc conciliation mechanism to assist them in settling a dispute between them may be parties to a bilateral or multilateral convention which requires them to resort to conciliation to settle disputes arising between them.

3. If the convention is bilateral, there is of course nothing to prevent the States from using the rules instead of the convention, without amending the rules, if the convention provides for ad hoc conciliation, in other words, if there is no pre-established conciliation body. If such a body does exist, they could, if they prefer to apply the rules rather than the convention establishing such a body, apply the rules with the necessary amendments so that the pre-established commission can handle the dispute.

4. If the pre-existing convention is multilateral, the States may act as indicated in the preceding paragraph, but taking into account, if the rules, with the agreed amendments, are not fully compatible with the conciliation provisions in the convention, that article 41 of the Vienna Convention on the Law of Treaties 2/ requires them to inform States parties to the convention in question of the amendments that they have made in the light of their decision to apply the rules. This requirement may be fulfilled through the depositary of the convention.

5. If the dispute prompting recourse to the rules comes within the terms of a clause of a bilateral or multilateral convention requiring the parties to resort to arbitration or to the International Court of Justice, or if the latter has competence to hear the dispute by virtue of declarations made under Article 36, paragraph 2, of its Statute, States may normally agree that the dispute will none the less first be referred to conciliation on the basis of the rules, and that recourse to arbitration or to the Court will be required only if such conciliation proceedings fail.

6. The provisions of article 43 of the rules are relevant to the comments in the preceding paragraph.

2/ United Nations, Treaty Series, vol. 1155, No. 18232.

7. It should be noted that the conciliation commissions, which enjoy far-reaching powers of investigation under articles 23 and 24, may serve as investigatory commissions in any case where the dispute involves issues of fact only. In such a case, the sole purpose of the proceedings will be to investigate the facts (see art. 28, para. 3).

8. The procedure involving conciliation by a sole conciliator is far more flexible and informal than the procedure involving the commissions. The rules do not envisage the application of the former type of conciliation to disputes on issues of fact only. Moreover, inasmuch as neither paragraph 3 of article 23 nor article 24 applies to the sole conciliator, that procedure is often not as well suited to the settlement of disputes on issues of fact as the procedure involving commissions. It should also be noted that because of its flexible and informal nature, the procedure involving a sole conciliator is somewhat similar to mediation.

9. Unlike what happens in the case of five-member commissions, members appointed individually by the parties are in the majority on three-member commissions. If the dispute has caused serious uneasiness between the parties, that factor could put the chairman of the commission in an awkward position. Accordingly, establishing a three-member commission would appear to be advisable only when, despite the dispute, relations between the parties are still relatively amicable.

10. If - as happens, for example, when injury is sustained by a national of one party in the territory of the other - the dispute comes within the purview of the courts of one of the parties, it would be better not to initiate conciliation proceedings until that party's highest judicial authority has issued a final ruling on the matter.

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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Argentina, Belgium, Bolivia, Bulgaria, Chile, Colombia, Cyprus, Czechoslovakia, Egypt, Germany, Italy, Japan, Romania, Spain, Venezuela and Yugoslavia: draft resolution

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions, 1/

Taking note of the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh, 2/

1/ Resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979, 35/164 of 15 December 1980, 36/122 of 11 December 1981, 37/114 of 16 December 1982, 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985, 41/83 of 3 December 1986, 42/157 of 7 December 1987, 43/170 of 9 December 1988 and 44/37 of 4 December 1989.

2/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).

thirty-ninth, 3/ fortieth, 4/ forty-first, 5/ forty-second, 6/ forty-third, 7/ forty-fourth 8/ and forty-fifth sessions, 9/ as well as the views and comments expressed on them by Member States,

Having considered the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its session held in 1990, 10/

Expressing its satisfaction at the completion of the work on the draft document on rationalization of existing United Nations procedures, 11/ to be adopted by the General Assembly at its present session,

Mindful of the desirability of further work being done by the Special Committee in the field of the peaceful settlement of disputes between States,

Noting with appreciation the progress achieved in the elaboration of the draft handbook on the peaceful settlement of disputes between States,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; 10/

2. Decides that the Special Committee will hold its next session from 4 to 22 February 1991;

3. Requests the Special Committee, at its session in 1991, in accordance with the provisions of paragraph 4 below:

(a) To accord priority to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context:

3/ Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).

4/ Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

5/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

6/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

7/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

8/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

9/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

10/ Ibid., Supplement No. 33 (A/45/33).

11/ Ibid., para. 86.

(i) To endeavour to complete its consideration of the proposal on fact-finding by the United Nations in the field of the maintenance of international peace and security with a view to submitting its conclusions, in an appropriate form, to the General Assembly at its forty-sixth session;

(ii) To consider the proposals relating to the maintenance of international peace and security that were submitted to the Special Committee during its session in 1990, as well as those that might be submitted to it at its session in 1991;

(b) To continue its work on the question of the peaceful settlement of disputes between States and, in this context:

(i) To consider proposals relating to this question that might be submitted to the Special Committee;

(ii) To consider the final text of the draft handbook on the peaceful settlement of disputes between States with a view to recommending its publication to the General Assembly at its forty-sixth session;

4. Also requests the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;

5. Decides that the Special Committee will accept the participation of observers of Member States in its meetings, including those of its working group;

6. Requests the Secretary-General to complete the work on the preparation of the draft handbook on the peaceful settlement of disputes between States, on the basis of the outline elaborated by the Special Committee and in the light of the views expressed in the course of the discussions in the Sixth Committee and in the Special Committee, and to submit it, in its final form, to the Special Committee at its session in 1991;

7. Requests the Special Committee to submit a report on its work to the General Assembly at its forty-sixth session;

8. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

France, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland: draft resolution

Rationalization of existing United Nations procedures

The General Assembly,

Recalling its resolution 44/37 of 4 December 1989,

Having considered the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization at its 1990 session, 1/

Conscious of the need to discharge in the most efficient manner the functions incumbent upon it under the Charter of the United Nations,

1. Approves the conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization as set forth in the annex to the present resolution;

2. Decides that the conclusions referred to in paragraph 1 above shall be reproduced as an annex to its rules of procedure.

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 33 (A/45/33).

Annex

CONCLUSIONS OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION CONCERNING THE RATIONALIZATION OF EXISTING UNITED NATIONS PROCEDURES

1. Without prejudice to Article 18 of the Charter and with a view to facilitating the work of the United Nations, including, whenever possible, the adoption by the General Assembly of agreed texts of resolutions and decisions, informal consultations should be carried out with the widest possible participation of Member States.

2. When an electronic voting system is available for recording how votes were cast, a role-call vote should as far as possible not be requested.

3. Before the end of each session of the General Assembly, the General Committee should, in the light of the experience it has acquired during that session, consider drawing up its observations on the organization of the work of the session, with a view to facilitating the organization of the work of future sessions of the General Assembly.

4. The agenda of the General Assembly should be simplified by grouping or merging, to the extent possible, related items and, where it is appropriate for discussion of a particular item, by setting an interval of more than a year between the discussions on it. For this purpose, the Chairman of the Main Committee concerned or, as appropriate, the President of the General Assembly, should undertake consultations with delegations.

5. The General Committee should consider, at the beginning of each session of the General Assembly, recommending that certain Main Committees should meet in sequential order, taking into account such matters as the number of meetings required for the consideration of the questions with which they are charged at that session, the organization of the work of the whole session and the problem of participation of smaller delegations.

6. In making recommendations as to how agenda items should be allocated to the Main Committees and the plenary of the General Assembly, the General Committee should ensure the best use of the expertise of the Committees.

7. When the General Assembly considers whether it needs to establish subsidiary organs, in accordance with Article 22 of the Charter, it should give careful consideration as to whether the subject-matter in question could be dealt with by existing organs, including its Main Committees and their working groups. Subsidiary organs should seek constantly to improve their procedures and methods of work in order to ensure effective consideration of questions allocated to them by the General Assembly.

8. The dates and length of the sessions of bodies of the General Assembly that meet inter-sessionally should be determined as soon as possible by the General Assembly, as appropriate, following advice from the Committee on Conferences, on the proposal of the Secretary-General. The General Assembly should take account of the past experience, the state of current work in regard to the mandate given to the body in question and the need to avoid as far as possible overlapping meetings of bodies which deal with subject-matter of a similar nature.

9. Informal consultations about the work of bodies of the General Assembly that meet inter-sessionally should continue to be held in advance of the sessions of such bodies in order to facilitate the conduct of their sessions, especially as regards the composition of the bureau and the organization of work.

10. Resolutions should request observations from States or reports by the Secretary-General in so far as they are likely to facilitate the implementation of the resolutions or the continued examination of the question.

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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Working Group on the United Nations Decade of International Law

Chairman: Mr. Budislav VUKAS (Yugoslavia)

1. The General Assembly, by its resolution 44/23 of 17 November 1989, declared the period 1990-1999 as the United Nations Decade of International Law. It further decided to consider the question of the programme for the Decade and of appropriate action to be taken during the Decade at its forty-fifth session in a Working Group of the Sixth Committee, with a view to preparing generally acceptable recommendations for the Decade.

2. Pursuant to that resolution, the Sixth Committee, at its 6th meeting, on 26 September 1990, elected Mr. Budislav Vukas (Yugoslavia) Chairman of the Working Group on the United Nations Decade of International Law for the session.

3. The Working Group had before it the report of the Secretary-General on the item (A/45/430 and Corr.1 and Add.1 and 2), containing replies received in accordance with paragraph 3 of resolution 44/23, in which the General Assembly had requested the Secretary-General to seek the views of Member States and appropriate international bodies, as well as of non-governmental organizations working in the field, on the programme for the Decade and on appropriate action to be taken during the Decade, including the possibility of holding a third international peace conference or other suitable international conference at the end of the Decade.

4. The Working Group held 11 meetings and informal consultations between 5 October and 8 November 1990.* The Chairman of the Working Group also conducted extensive private consultations with the delegations.

5. On the basis of the report of the Secretary-General and the views expressed in the Working Group, the Chairman prepared a comprehensive list of suggestions with respect to the programme for the United Nations Decade of International Law proposed by States and international organizations. The list is reproduced in annex II to the present report.

6. On the basis of that list and of further discussions in the Working Group, the Chairman prepared a draft programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law. At its eleventh meeting, held on 8 November 1990, the Working Group approved the first-term (1990-1992) programme for the Decade (annex I to the present report) and decided to submit it to the Sixth Committee for consideration and adoption.

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* The informal consultations held on 5 and 10 October were chaired by Mr. Slobodan Kotevski (Yugoslavia).

Annex I

DRAFT PROGRAMME FOR THE ACTIVITIES TO BE COMMENCED DURING THE FIRST TERM (1990-1992) OF THE UNITED NATIONS DECADE OF INTERNATIONAL LAW

I. PROMOTION OF THE ACCEPTANCE OF AND RESPECT FOR THE PRINCIPLES OF INTERNATIONAL LAW

1. The General Assembly, bearing in mind that maintenance of international peace and security is the underlying condition for the success of the implementation of the programme of the United Nations Decade of International Law, should call upon States to act in accordance with international law, and particularly the Charter of the United Nations.

2. States should be invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded should be asked to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties which have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

3. States and international organizations should be encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty making, including their adherence to and implementation of such multilateral treaties.

4. States should report to the Secretary-General on ways and means, as provided for by the multilateral treaties to which they are parties, regarding the implementation of such treaties. The Secretary-General should prepare a report on the basis of this information and submit it to the General Assembly.

II. PROMOTION OF MEANS AND METHODS FOR THE PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES, INCLUDING RESORT TO AND FULL RESPECT FOR THE INTERNATIONAL COURT OF JUSTICE

1. The United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee (AALCC), as well as the International Law Association (ILA), the Institut de droit international (IDI), the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law as well as national societies of international law should be invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice (ICJ), and to present suggestions for the promotion thereof to the Sixth Committee.

2. States should make proposals to the Sixth Committee in respect of the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice.

3. The Sixth Committee should consider, taking into account the above-mentioned suggestions and proposals, and, where appropriate, on the basis of a report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, or the Working Group of the United Nations Decade of International Law, the following questions:

(a) Strengthening the use of means and methods for the peaceful settlement of disputes, with particular attention to the role to be played by the United Nations, as well as methods of early identification and prevention of disputes and their containment;

(b) Procedures for the peaceful settlement of disputes arising in specific areas of international law;

(c) Ways and means of encouraging greater recognition of the role of the International Court of Justice and its wider use in the peaceful settlement of disputes;

(d) Enhancement of co-operation of regional organizations with the United Nations system of organizations in respect of the peaceful settlement of disputes.

III. ENCOURAGEMENT OF THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

1. International organizations, including the United Nations system of organizations and regional organizations, should be invited to submit to the Secretary-General of the United Nations summary information regarding the programmes and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General should be requested to prepare a report on the relevant activities of the United Nations, including the International Law Commission. Such information should be presented in a report by the Secretary-General to the Sixth Committee.

2. On the basis of the information mentioned in paragraph 1, States should be invited to submit suggestions for consideration and, as appropriate, recommendations by the Sixth Committee. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development or codification.

3. The Sixth Committee should be requested to study, taking into account General Assembly resolution 684 (VII) of 6 November 1952, its co-ordinating role, including with respect to the drafting of provisions of a legal nature and the consistent use of legal terminology in international instruments adopted by the General Assembly.

4. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should be requested to continue studying possible measures to strengthen the United Nations system for the maintenance of international peace and security. States, particularly those which proposed the inclusion of this question in the programme for the Decade, should be invited to present draft texts to the Secretary-General or the Special Committee for consideration.

IV. ENCOURAGEMENT OF THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

1. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should, in the context of the Decade, be requested to formulate relevant guidelines for the Programme's activities and to report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment of such institutions where they might not exist, particularly in the developing countries. States should be encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

2. States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Co-operation between institutions at the university level amongst developing countries, on the one hand, and their co-operation with those of developed countries on the other, should be encouraged.

3. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

4. The United Nations system of organizations, regional organizations and States should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law. States and regional organizations have already expressed their readiness to undertake such activities on the following subjects: developing countries and international law (China); developing countries and international legislation on the environment (China); law of the sea (Yugoslavia); joint ventures in deep sea-bed mining (AALCC); and promotion of the ratification of the United Nations conventions on refugees (AALCC).

5. States should be encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries. The United Nations Institute for Training and Research (UNITAR), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Hague Academy of International Law and regional organizations should be invited to co-operate in this respect with States.

6. Co-operation among developing countries, as well as between developed and developing countries, in particular those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, should be encouraged.

7. In order to make better known the practice of international law, States, regional and other international organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

8. It would be conducive to the teaching and dissemination of international law if all judgments and advisory opinions of the International Court of Justice were available in all official languages of the United Nations. As envisaged in General Assembly resolution 44/28 of 4 December 1989 and bearing in mind the wishes expressed by States, the Sixth Committee will consider, at the forty-sixth session of the General Assembly, the Secretary-General's report containing a study of alternative means of making the publications of the International Court of Justice available in all the other official languages in addition to French and English, within the existing overall level of appropriations and in a way which meets the concerns expressed by the Court. Such a study should also consider the possibility, within the existing overall level of appropriations, of compiling and publishing thematic and analytical summaries of the judgments and advisory opinions of the International Court of Justice.

9. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, should be invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

10. International organizations should be requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series should be encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook should also be encouraged.

V. PROCEDURES AND ORGANIZATIONAL ASPECTS

1. The Sixth Committee, working primarily through its Working Group and with the assistance of the Secretariat, will be the co-ordinating body of the programme for the United Nations Decade of International Law. The question of the use of an intra-sessional or inter-sessional or existing body to carry out specific activities of the programme may be considered by the General Assembly.

2. The Sixth Committee should be requested to continue to prepare the programme of activities for the Decade.

3. All organizations and institutions referred to and invited to submit reports to the Secretary-General under sections I to IV above should be requested to submit interim or final reports preferably at the forty-sixth session and not later than the forty-seventh session of the General Assembly.

4. States should be encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade. Non-governmental organizations should be encouraged to promote the purposes of the Decade within the fields of their activities, as appropriate.

5. It is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and should be strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

Annex II

COMPREHENSIVE LIST OF SUGGESTIONS WITH RESPECT TO THE PROGRAMME FOR THE UNITED NATIONS DECADE OF INTERNATIONAL LAW PROPOSED BY STATES AND INTERNATIONAL ORGANIZATIONS

I. Promotion of the acceptance of and respect for international law

1. Assessment of procedures for preparing treaties and for reaching agreed texts at negotiations: making use of results obtained from the "Review of Multilateral Treaty-making Process"

2. Adoption of measures to encourage full participation of States in multilateral treaties, in particular those in the field of progressive development of international law and its codification

   (i) Periodic appeals to States to ratify or accede to multilateral treaties

   (ii) Periodic reports on status of ratifications of and accessions to multilateral treaties

   (iii) Reporting and monitoring on implementation of multilateral treaties, including the establishment of a mechanism for monitoring compliance with such treaties as arms control agreements

   (iv) Mechanisms to bring treaties into earlier application: e.g., provisional application or entry into force

   (v) Timely publication of United Nations Treaty Series

   (vi) Studies on the effects of reservations and effects of objections to reservations to multilateral treaties

   (vii) Studies on factors affecting full participation in and application of multilateral treaties

3. Provision of technical and financial assistance to States in their implementation of treaties, including the drafting of national legislation

4. Recommendations for more effective ways to apply international law at the national level

   (i) Application of international law (including by municipal courts) as laws of the land

   (ii) Comparative studies on the subject

5. Reaffirmation of basic principles and rules of international law, problems of their implementation and further elaboration, and the need for introducing new principles

6. Discussion at governmental and intergovernmental levels to reach a uniform understanding of the contents of principles and rules of international law

7. Studies on the role of international law in international relations, particularly the attitude of States towards international law and their usage thereof, and the impact of international law on States' decisions

8. Studies on the role of the General Assembly and its relation with other organs of the United Nations in the promotion of international law

9. Preparation of a treaty-making handbook

II.(a). Promotion of means and methods for the peaceful settlement of disputes between States

1. Dispute prevention and preventive measures

(i) Preparation of model mechanisms for dispute prevention tailored to particular categories of dispute, e.g. using Canada/United States Free Trade Agreement and other appropriate procedures as models

(ii) Procedures for environmental issues, particularly with respect to transboundary pollution

(iii) Procedures for freezing a dispute while efforts for its peaceful settlement, including third-party assistance and monitoring, are in progress

2. Promoting the inclusion, the acceptance and the use of settlement of dispute clauses contained in existing legal instruments

3. Measures to strengthen the United Nations system for collective security and settlement of disputes

(i) Role of the General Assembly

(ii) Role of the Security Council

(a) Continuous functioning of the Council: Article 28.1 of the Charter of the United Nations

(b) Calling upon parties to settle their dispute: Article 33.2 of the Charter

(c) Investigating any dispute or situation which might lead to international friction, or give rise to a dispute: Article 34 of the Charter

(d) Making recommendation of appropriate procedures or methods of adjustment: Article 36.1 of the Charter

(e) Decision to take action or recommend term of settlement

(f) Questions of the ways and means of implementing the Charter and enforcement actions vis-à-vis a State that has breached the peace or failed to comply with Security Council resolutions

(g) Elaboration of guidelines on sanctions management, including determination of humanitarian circumstances as an exception to the sanctions régime, the practical application of Article 50 of the Charter, the general management of economic sanctions, the authority to interpret relevant resolutions and measures to ensure full enforcement

(h) Consideration of the provisional measures that the Security Council may take in accordance with Article 40 of the Charter

(i) Strengthening of the preventive functions of the United Nations in the context of the maintenance of international peace and security, particularly by establishing a United Nations presence in unstable areas and instituting subsidiary bodies

(j) Periodic meetings of the Security Council to survey the political scenes in order to identify points of danger at which preventive or anticipatory diplomacy is required

(k) Establishment of a United Nations verification authority, possibly as a subsidiary body of the Security Council to monitor compliance with arms control treaties and agreements aimed at reducing international tensions

(l) Enhancing the effectiveness of the Military Staff Committee, as envisaged in the Charter

(iii) Broadening the peace-making role of the Secretary-General

(a) Request for advisory opinion from the International Court of Justice (ICJ), particularly in regard to legal aspects of a situation for which his good offices are requested

(b) Making use of Article 99 of the Charter, under which the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security

(c) Making use of his good offices

(d) Monitoring of potential area of dispute

(e) Submission of information on matters of interest to the Security Council

(iv) Preventive functions of the United Nations, including monitoring of national elections

4. (a) Enhancing the role of regional organizations in the context of identifying, preventing and resolving disputes

(b) Expansion of the co-operation between the United Nations and regional organizations

(c) Comparative evaluation of conventional diplomacy outside the United Nations and in the regional framework versus diplomacy within the framework of the United Nations

5. Better use of the Permanent Court of Arbitration

(i) Arbitration

(ii) Conciliation

(iii) Fact-finding

6. Preparation of a practical guide to dispute settlement procedures used in the 1982 United Nations Convention on the Law of the Sea

7. Studies on factors which may have contributed to the reluctance of States to resort to settlement-of-disputes procedures

8. Elaboration of a general international legal instrument on the peaceful settlement of disputes

(i) Inclusion of inter alia dispute detection and prevention, fact-finding and third-party involvement

(ii) Choice of means

(iii) Exclusion of certain categories of disputes

(iv) Instrument may be prepared by the Special Committee, an ad hoc committee or an international conference

II.(b). Promotion of the resort to and respect for the decisions of the International Court of Justice

1. Measures aimed at wider acceptance of ICJ jurisdiction

(i) Study of ways and means of encouraging acceptance of compulsory jurisdiction and of the use of ICJ

(ii) List of States accepting treaty provisions resorting to ICJ for dispute settlement with respect to interpretation and application of treaties

(iii) Appeals to States to accept ICJ optional clause under Article 36.2 of the Charter and to withdraw reservations on ICJ jurisdiction

(iv) Measures to limit duration of reservations on ICJ jurisdiction or to withdraw such reservations

(v) Measures to affirm the respect for ICJ and to implement its decisions

(vi) Convening a conference during the Decade on the question of jurisdiction and functioning of the Court

2. Study of the use of the Chamber procedure of the Court

3. Study of the wider resort to the Court for advisory opinion

4. Making available ICJ judgments and advisory opinions in all United Nations languages

5. Review of the composition of the Court

6. Provision of internships and fellowships at the Court

7. Appeal for contributions to the Secretary-General's Trust Fund to encourage States to resort to ICJ for the settlement of disputes

III. Encouragement of the progressive development of international law and its codification

1. Assessment of various means of codification (e.g. framework convention and regulatory convention) and studies on when and how to codify customary law (see also I.1)

2. Study and review of techniques for updating international legal instruments

3. Role of the Sixth Committee

(i) To act as legal adviser to other committees of the General Assembly (including a study on why this has not been the case)

(ii) To evaluate and monitor international legislative activities in the United Nations system so as to make plans and establish priority for its work and for that of the International Law Commission (ILC). (For this purpose, the Secretary-General would be requested to prepare annually a report on the legislative activities in the Organization and in the United Nations system for consideration by the Sixth Committee.)

4. Clearer definition of the role of the International Law Commission and the United Nations Commission on International Trade Law (UNCITRAL)

5. Assessment of contribution made by specialized agencies in developing international law in their areas of competence

6. Study on the sources of international law, including such instruments as declarations and resolutions of the United Nations

7. Evaluation of the future role of international law in the context of an interdependent and changing world, including the evolving relationship between international law and national laws

8. Subjects or areas in which codification or progressive development of international law may be considered

(i) State responsibility, international liability for injurious consequences arising out of acts not prohibited by international law, Draft Code of Crimes against the Peace and Security of Mankind, and other topics on the agenda of ILC

(ii) Question of international illicit arms trafficking

(iii) Question of glorification or justification of violence in many aspects of society, particularly in the mass media

(iv) Question of unilateral coercive measures

(v) Protection of the global environment

(vi) Law of the sea

(vii) Development of specific human rights, inter alia:

(a) Right to food

(b) Minorities' rights and women's rights in the development process

(c) Development of children and youth

(d) Illicit traffic in and international exploitation of minors

(e) Migratory movements

(f) Asylum

(g) Elimination of all forms of religious intolerance

(viii) Formulation of the rules for:

(a) A new international economic order to promote growth and development

(b) Stabilizing prices of raw materials

(c) Dealing with problems of external debt burden, international trade barriers and economic coercion

(ix) Elaboration of legal norms for bringing about complete disarmament (particularly nuclear disarmament) and the elimination of weapons of mass destruction

9. Elaboration of a code of conduct of States, entailing international responsibilities for the violation of basic principles of international law contained in relevant declarations and resolutions of the United Nations

10. Elaboration of international norms regarding international co-operation against the abuse and illicit trafficking in narcotic drugs and psychotropic substances

11. Question of establishing an international criminal court with jurisdiction to try individuals for such crimes as drug trafficking, terrorism and crimes against peace and security, according to the work being done by the International Law Commission

12. Elaboration of additional rules and regulations applicable in armed conflicts for the protection of war victims, including non-combatants, civilian and residential areas, naval warfare, war zones and use of inhuman and cruel weapons

13. Elaboration of additional rules and regulations on mutual assistance in cases of natural disasters and formulation of recommendations on ways and means of stimulating the development of international humanitarian law applicable in this area, including the preparation of new legal instruments of universal character

14. Study of the effectiveness of the United Nations system as a whole; rationalization of the work of the United Nations system in order to avoid duplication

IV. Encouragement of the teaching, study, dissemination and wider appreciation of international law

1. Strengthening the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

2. Encouraging the teaching and study of international law

   (i) Mandatory courses in international law for students studying law, economics or political science

   (ii) Training of teachers in international law

   (iii) Possibility of the preparation by the United Nations of a general manual on international law focusing on the practice and practical aspects of international law

   (iv) Preparation by the United Nations of a manual on fundamental points of international law, including a brief commentary on such basic conventions as the Charter of the United Nations, as well as on basic issues in general international law

   (v) Preparing model curricula and materials for students at the primary, secondary and university level

   (vi) Training courses for drafting legal texts

   (vii) Study on developing countries and international environmental law

3. Dissemination of international law

   (i) Organizing by United Nations and regional organizations of seminars, symposia, training courses, lectures and meetings on various subjects of international law

   (ii) Special training for legal professionals, including judges and personnel of the ministry of foreign affairs

   (iii) Provisions of scholarships and fellowships to encourage the study of international law

   (iv) Requesting institutions which offer training courses and research in international law to expand their activities

   (v) Co-operation amongst developing countries, as well as between developing and developed countries, for exchanging experience and for mutual assistance in the field of international law

(vi) Preparation of promotional materials on various subjects of international law by States and relevant organizations

(vii) Making better known the practice of international law by States and by regional and other international organizations

(a) Summary of practice

(b) Repertories

(c) Yearbook

(d) Computerized data bank

(viii) Wider access to decisions of international tribunals, particularly those of the International Court of Justice

(a) Computerized data

(b) Repertory of practice

(c) Alternative ways for disseminating ICJ decisions

(ix) Compilation and publication of international legal norms, in particular those of special interest to developing countries

(x) Publication in official languages of the United Nations of all multilateral treaties concluded under the auspices of the United Nations system

(xi) Use of modern communication technologies and mass media to disseminate international law

(xii) Preparation of an in-depth study relating to the developing countries and international law

(xiii) Preparation of a list of principal treaties in each of the major fields, and designation of each year of the Decade to focus on disseminating a particular field of international law such as the Charter of the United Nations, human rights, law of the sea, etc.

(xiv) Conducting surveys, at the beginning of the Decade and also at its conclusion, to ascertain the level of public understanding of international law

V. Proposal to convene a third International Peace Conference or other suitable international conference at the end of the Decade

1. Holding an international conference at the end of the Decade

(i) To adopt a comprehensive legal instrument on the peaceful settlement of disputes

(ii) To adopt a declaration on the principles of international law concerning peace and development

(iii) To affirm inter alia the primacy of international law in the maintenance of peace and security and the importance of the peaceful settlement of disputes

2. Mid-term review (1995) of progress (including the manner in which the Decade will be concluded)